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## FACSIMILE COVER SHEET

*Official Fax*  
*5-18-03*

DATE: May 19, 2003

TO: NAME: Examiner Janet I. Epps (Group Art Unit 1635)

COMPANY: Commissioner for Patents, USPTO

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FROM: NAME: Albert P. Halluin/Robin C. Chiang/walleje

DIRECT DIAL NUMBER: 650.463.8127 USER ID: 2020

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1. Supplemental Information Disclosure Statement (2 pages):
2. Form PTO 1449 (1 page).

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MAY 18 2003

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Wanda Alleje*  
Wanda Alleje

#63 / I.D.S

In re application of:

Jonathan W. NYCE

Application No. 09/093,972

Filed: June 9, 1998

Art Unit: 1635

Examiner: Epps, Janet L.

Confirmation No.: 7855

Attorney's Docket No:

EPI-00672

(02486.0008.NPUS00)

For: **COMPOSITION, FORMULATION &  
METHOD FOR PREVENTION &  
TREATMENT OF DISEASES AND  
CONDITIONS ASSOCIATED WITH  
BRONCHOCONSTRICTION,  
ALLERGY(IES) & INFLAMMATION**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants respectfully submit that the references submitted in the attached Form PTO-1449 do not affect the patentability of the pending claims and believe the two cited U.S. patents are cumulative to those already of record. The Examiner brought these two U.S. patents to the Applicant's attention on May 8, 2003. The Examiner's communication on May 8, 2003 was the first instance that Applicant learned of these two patents.

Neither U.S. Patent Nos. 5,733,572 nor 6,207,646 teach or suggest a method of delivering to the airways of a subject an oligonucleotide that is of respirable or inhalable particle size,

wherein the oligonucleotide has a relatively low level of adenosine.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

All the cited references were cited by the Examiner, thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 02486.0008.NPUS00.

Date: May 19, 2003

Respectfully submitted,



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<b>LIST OF REFERENCES CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i> <b>PTO FORM 1449</b> <b>MAY 18 2003</b> <b>TECH CENTER 1600/2900</b>	ATTY. DOCKET NO.	APPLICATION NO.
	02486.0008.NPUS00	09/093,972
	APPLICANT	
	Jonathan W. Nyce	
	FILING DATE	GROUP
	June 9, 1998	1635

U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	1.	5,733,572	Mar., 1998	Unger, et al.				
	2.	6,207,646	Mar., 2001	Krieg, et al.				
FOREIGN PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)								

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.